

January 20, 2021

Council Member Tuohy announced that the Council is still abiding by Governor Inslee's Safe Start guidelines, and as a result, City Council meetings will continue to be held remotely with all meetings scheduled at 6:30 p.m. each Wednesday, except the fourth Wednesday of the month when the meeting is scheduled at 12:30 p.m. She stated public comments may be emailed to [council@everettwa.gov](mailto:council@everettwa.gov) prior to the meeting. Council Member Tuohy stated that live public comment will be accepted one-half hour before the start of the meeting by calling 1.425.616.3920, Conference ID 562 904 436#. If citizens have difficulty calling in or connecting, please contact [dwilliams@everettwa.gov](mailto:dwilliams@everettwa.gov). Individuals may also call 1.425.616.3920 to listen to the Council meetings, Conference ID 724 887 726#. Citizens are encouraged to view meetings live on Comcast Channel 21, Frontier Channel 29, and on the City website at [www.everettwa.gov/council](http://www.everettwa.gov/council).

The regular meeting of the Everett City Council was called to order at 6:34 p.m., January 20, 2021, Council Member Tuohy presiding. Upon roll call, it was found that Mayor Franklin and Council Members Roberts, Murphy, Moore, Vogeli, Bader, and Tuohy were present. Council Member Stonecipher was excused.

The minutes of the January 13, 2021, City Council meeting were approved as printed.

#### MAYOR

Mayor Franklin spoke about the Presidential Inauguration today and the inspiring message of hope, healing, and unity from the youngest ever Poet Laureate at the inauguration ceremony.

#### APPOINTMENTS/REAPPOINTMENTS

**Moved by Council Member Roberts, seconded by Council Member Bader, to concur with the following appointments:**

##### Animal Shelter Advisory Board

- Lindsay Ellsworth for reappointment to Position 2 for a six-year term ending December 31, 2025

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- Sarah Hartwell for appointment to Position 4 for the remainder of a six-year term ending December 31, 2023
- Caolan O'Domhnaill for appointment to Position 5 for the remainder of a six-year term ending December 31, 2024
- Jennifer St. Mary for appointment to Position 6 for the remainder of a six-year term ending December 31, 2022
- Tegan Hampton for appointment to Alternate Position 1 for the remainder of a six-year term ending December 31, 2021
- Neely Stratton for appointment to Alternate Position 2 for the remainder of a six-year term ending December 31, 2022

Public Facilities District

- Teresa Johnson for appointment to Position 3 for a four-year term ending December 31, 2024

Roll was called with all council members voting yes, except Council Member Stonecipher who was excused.

**Motion carried.**

COUNCIL

Council Member Roberts spoke about the passing of Idamae Schack and her great contribution to the community. He also provided an update from the Puget Sound Regional Council Policy Board on Vision 2050. Council Member Roberts also commented on the Presidential Inauguration.

Council Member Bader provided a liaison report on his attendance at the Snohomish County Health District Board meeting where the distribution of COVID-19 vaccines was discussed. He also asked for an update from Administration related to the delay in the bid process for the work on Marine View Drive, which resulted from the Washington state budget situation.

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Council Member Vogeli spoke about flu and cold low rates in the community. She encouraged everyone to wear masks and to care for each other. Council Member Vogeli also spoke about Inauguration Day.

Council Member Moore spoke about the need for unity and the current division between the Democrat and Republican Parties. He encouraged ending political polarization.

Council Member Murphy provided a liaison report on his attendance at the Lodging Tax Advisory Committee. He also commented on a payroll fraud case against the City of Everett, which was committed by a former Fire Department employee. Council Member Murphy expressed concern regarding a lack of transparency in informing the Council of the issue. He reminded Administration of its prior commitment to keep the Council informed. Council Member Murphy expressed his disagreement with the fact that this employee could repay the amounts taken and still retire from the City with full benefits. He questioned why an investigation of prior pay periods did not occur, inquired about the accountability of the employee's supervisors, and if the supervisors were part of the investigation. Council Member Murphy also asked what internal controls were in place and why they were not effective. He stated that he wished the Council would have been briefed on this issue prior to a settlement with the employee, and he looks forward to hearing more on this disturbing situation.

Mayor Franklin stated she would refer all the questions to the City Attorney David Hall.

David Hall stated that he would work with the Fire Department and Human Resources and will provide a comprehensive response back to Council.

Council Member Tuohy also spoke about Idamae Schack and her contributions to the community. She also commented on the Presidential Inauguration. Council Member Tuohy announced that Action Item No. 4 was pulled from today's agenda.

Council Member Vogeli expressed her disagreement with the way the employee fraud issue was introduced. She stated that she did not feel the issue was

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introduced in the air of transparency. Council Member Vogeli stated that it would probably have been more appropriate to gather possible facts prior to bringing the issue forward. She also stated that the comments were not unifying and disrespectful. Council Member Vogeli spoke about the role of the Council and noted that transparency of government is not an issue in this situation.

Council Member Murphy spoke about the role of the Council, elected by the community, to do checks and balances of decisions and actions made by Administration to ensure transparency in government and appropriate and reasonable decisions. Council Member Murphy stated that he would have preferred to have been briefed on this issue upon the conclusion of the investigation a year ago before the settlement with the employee was reached. He again reminded Administration of its commitment to keep the Council informed on potential legal issues and settlements.

Mayor Franklin stated that she would be happy to work with Council Member Murphy to answer all of his questions.

Council Member Moore echoed Council Member Vogeli's comments and expressed his disagreement with the way the fraud issue was brought forward. He stated that it would have been more appropriate to have called for an executive session to discuss the matter to better understand the facts of the case. Council Member Moore noted that today was a big day for our country, and it was inappropriate to bring accusations forward when we are trying to heal our country and our community.

Council Member Tuohy thanked everyone for their comments and stated the Council is looking forward to receiving a response.

#### ADMINISTRATION UPDATE ON PRIOR BUSINESS

Deputy Mayor Nick Harper had no updates.



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CITY ATTORNEY

City Attorney David Hall had no comments.

PUBLIC COMMENT

There were no citizens who wished to speak and no citizens who submitted written comment prior to the meeting.

CONSENT ITEMS:

**Moved by Council Member Roberts, seconded by Council Member Bader, to approve the following consent items:**

RESOLUTION - CLAIMS

**To adopt Resolution No. 7602 authorizing claims against the City of Everett in the amount of \$1,137,704.39 for the period of January 1, 2021, through January 8, 2021.**

AGREEMENT AMENDED – DOWNTOWN BUSINESS IMPROVEMENT AREA

**To authorize the Mayor to sign Amendment No. 3 of the Professional Services Agreement with the Downtown Everett Association to manage the Downtown Business Improvement Area.**

RFQ - RESERVOIR NO. 3 STRUCTURAL IMPROVEMENTS PROJECT

**To authorize Request for Qualifications for the Reservoir No. 3 Structural Improvements Project.**

Roll was called with all council members voting yes, except Council Member Stonecipher who was excused.

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**Motion carried.**

**ACTION ITEMS:**

**COLLECTIVE BARGAINING AGREEMENT – EVERETT POLICE MANAGEMENT ASSOCIATION**

To authorize the Mayor to sign Approve the 2021-2022 Collective Bargaining Agreement between the city and Everett Police Management Association.

This item was pulled from today's agenda.

**COUNCIL BRIEFING AGENDA:**

Fire Chief Dave DeMarco provided a brief overview of the payroll fraud investigation and apologized for the discord that the situation brought to Council. He stated that he is happy to work with the Council to answer questions. Fire Chief DeMarco clarified that the employee involved did not retire with full benefits, rather the employee chose to resign after reaching an agreement to reimburse the City. Dave DeMarco also spoke about new systems implemented by the Fire Department management team, which allowed for the discovery of the fraud. Chief DeMarco stated that initially the intent was to terminate the employee, but upon the advice of legal counsel, the decision was made to allow the employee to resign, which presented the lowest risk to the City. Chief DeMarco noted that early in the process the case was referred to the Everett Police Department and the Snohomish County Prosecutor's Office; however, they declined to prosecute and asked Fire Department to complete the investigation internally. At the conclusion of the investigation, the Everett Police and the Snohomish County Prosecutor's Office again declined to prosecute. Chief DeMarco stated that he is proud of the work that was done and the achieved result, which was not challenged by the union. He stated that he would be happy to discuss it further with the Council.

**COUNCIL BILL 2101-04**

**FIRST READING:**

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AN ORDINANCE adopting the State Fire Code with local amendments, amending Ordinance No. 3196-10 and 1041-84 as amended, and repealing Ordinance No 1902-92 as amended

Presented by Kurtis Brown, Fire; and Flora Diaz, Legal

Council members asked for clarification as to which sections are required and which are optional.

Kurtis stated he will provide the requested information to Council.

**PROPOSED ACTION ITEMS:**

COUNCIL BILL 2101-01

SECOND READING:

AN ORDINANCE establishing Everett Utilities rates for 2021-2024 and repealing Ordinances 3529-17 and 3549-17

COUNCIL BILL 2101-02

SECOND READING:

AN ORDINANCE vacating Larch and Fir Streets lying South of 14<sup>th</sup> Street and North of 15<sup>th</sup> Street in the plat of Baker Heights

COUNCIL BILL 2101-03

SECOND READING:

AN ORDINANCE granting a Telecommunications Franchise to Level 3 Communications

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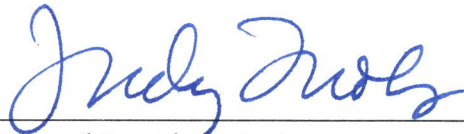
Council Member Tuohy announced that the next meeting of the Council is scheduled for Wednesday, January 27, at 12:30 p.m. She encouraged citizens to submit comment to [council@everettwa.gov](mailto:council@everettwa.gov) prior to the meeting. Additional meeting information can be found on the City website.

The City Council meeting adjourned at 7:50 p.m.



City Clerk Designee

Read and approved as printed.



Council President Designee